

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ISLAND INTELLECTUAL PROPERTY LLC,

Plaintiffs,

v.

TD AMERITRADE, INC.; TD AMERITRADE  
CLEARING, INC.; TD AMERITRADE TRUST  
COMPANY; TD AMERITRADE HOLDING  
CORP.; and THE CHARLES SCHWAB  
CORPORATION,

Defendants.

Civil Action No.: 2:21-cv-273-JRG

**JURY TRIAL DEMANDED**

**JOINT MOTION TO CONTINUE PRETRIAL HEARING**

Plaintiff Island Intellectual Property LLC (“Island” or “Plaintiff”) and Defendants TD Ameritrade, Inc. (“TDA”), TD Ameritrade Clearing, Inc. (“TDAC”), TD Ameritrade Trust Company (“TDATC”), TD Ameritrade Holding Corp. (“TDHC”), and The Charles Schwab Corporation (“Schwab”) (collectively, “Defendants”) move for a continuance of the October 3, 2022 Pretrial Hearing set by the Court’s September 22, 2022 notice.

On September 28, 2022 the Court issued a Report and Recommendation regarding Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. § 101 (Dkt. 184) which would be case dispositive, if adopted by The Honorable Judge Gilstrap. Under Rule 72 of the Federal Rules of Civil Procedure, a party may serve and file specific written objections to the proposed findings and recommendations and a party may respond to another party's objections within 14 days after being served with a copy. The current deadline for parties to file objections

to the Report and Recommendation is October 12, 2022 and any responses to the objections are due on October 26, 2022. The Parties have met, conferred and agree to a continuance of the pretrial hearing until after The Honorable Judge Gilstrap rules on the Report and Recommendation.

Accordingly, Parties respectfully request that the Court continue the Pretrial Hearing.

Dated: September 29, 2022

Respectfully submitted,

/s/ Charles Everingham IV  
EMMET, MARVIN & MARTIN, LLP  
John Dellaportas  
NY Bar No. 2688976  
Judith Swartz  
NY Bar No. 5605100  
Emmet, Marvin & Martin, LLP  
120 Broadway  
New York, NY 10271  
Tel: 212-238-3000  
Fax: 212-238-3100  
jdellaportas@emmetmarvin.com  
jswartz@emmetmarvin.com

*Of Counsel:*

T. John Ward, Jr.  
Texas Bar No. 00794818  
Claire Abernathy Henry  
Texas Bar No. 24053063  
Andrea L. Fair  
Texas Bar No. 24078488  
Charles Everingham IV  
Texas Bar No. 00787447  
**WARD, SMITH & HILL, PLLC**  
1507 Bill Owens Pkwy.  
Longview, TX 75604  
Tel: (903) 757-6400  
Fax: (903) 757-2323  
Email: jw@wsfirm.com  
Email: claire@wsfirm.com  
Email: andrea@wsfirm.com  
Email: ce@wsfirm.com

*Attorneys for Plaintiff*  
*Island Intellectual Property LLC*

/s/ Melissa R. Smith

Melissa R. Smith  
Bar No. 24001351  
GILLAM & SMITH LLP  
303 South Washington Avenue  
Marshall, TX 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

Janis E. Clements  
Texas Bar No. 04365500  
**GREENBERG TRAUIG, LLP**  
300 West 6th Street  
Suite 2050  
Austin, TX 78701  
Telephone: (512) 320-7232  
Facsimile: (512) 320-7210  
Email: clements@gtlaw.com

Scott J. Bornstein  
bornsteins@gtlaw.com  
Julie P. Bookbinder  
bookbinderj@gtlaw.com  
Richard C. Pettus  
pettusr@gtlaw.com  
Vimal M. Kapadia  
kapadiav@gtlaw.com  
Elana B. Araj  
araje@gtlaw.com  
Danielle M. Zapata  
zapatad@gtlaw.com  
**GREENBERG TRAUIG, LLP**  
One Vanderbilt Avenue  
New York, NY 10017  
Telephone: (212) 801-9200  
Facsimile: (212) 801-6400

Nicholas A. Brown  
brownnn@gtlaw.com  
**GREENBERG TRAUIG, LLP**

101 Second St, Ste. 2200  
San Francisco, CA 94105

Telephone: (415) 655-1300  
Facsimile: (415) 707-2010

Stephen M. Ullmer  
ullmers@gtlaw.com  
GREENBERG TRAURIG, LLP  
1144 15th St., Suite 3300  
Denver, CO 80202  
Telephone: (303) 572-6579  
Facsimile: (303) 572-6540

***Attorneys for Defendants TD Ameritrade,  
Inc., TD Ameritrade Clearing, Inc., TD  
Ameritrade Trust Company, TD Ameritrade  
Holding Corp., and the Charles Schwab  
Corporation***

**CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that on September 29, 2022, he caused correct copies of the foregoing document to be served via email on all counsel of record pursuant to Local Rule CV-5(c).

/s/ Melissa R. Smith

**CERTIFICATE OF CONFERENCE**

The undersigned attorney hereby certifies that counsel for all parties have conferred and the relief sought herein is joint.

/s/ Melissa R. Smith